

CONSPIRACY WAS CHARGED.

Why Did Corporation Counsel Clark Ignore the Letter from Mr. Herzog?

LAW'S ODD INTERPRETATION.

A Section of the Consolidation Act Which Can Be Made Very Accommodating.

FACTS WORTH CONSIDERING.

One Reason Why the City Lacks a Signal System and Patrol Wagon Service.

Since "The Evening World" began exposing the causes of the delay in providing the city with a proper police signal system and patrol wagon service reference has been made to the important part played in it by William M. Clark, Corporation Counsel.

Section 63 of the Consolidation act was passed upon by ex-Corporation Counsel Beckman to first block this much-needed reform. That particular section, an amended, is a relic of Tweed days. It served its purpose during the Tweed regime just as it does to-day.

Under the law the Police Commission have three ways in which they may expend money. In the first place, for all sums not exceeding \$1,000 they can give out the contract without advertising and without consultation with any one. In amounts over \$1,000 they must advertise, but for patented articles they need not advertise. Section 63, it has always been held—with the solitary exception of the

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All improvements in arc lights are in our new lamp.

The "Miller."

Perfect in every respect—

has no glare—

Everybody should have

the Miller; better

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We make lamps suited for

every use, and beautiful

also for gifts. The

Miller is the only lamp

that is really a gift.

Write for illustrated catalogue.

MANUFACTURED BY

EDWARD MILLER & CO.

30 and 12 College Place, between Park Place

and Barclay St., New York.

Herzog signal system—only applies to

patented payments, nothing else.

Mr. Beckman's first opinion, rendered

on March 17, 1887, took the view that

in the police signal system, the

Board of Estimate and Apportionment

should first direct the conditions under

which a reasonable opportunity for com-

petition could be had, and however fool-

ish the opinion, as "The Evening World"

pointed out, it served its purpose for the

time being. Later on he took back that

opinion in another document written on

June 2 following.

In the events which followed, however,

no one knowing just where the matter

stood, it became necessary to have an-

other opinion, and Mr. Clark, being then,

as now, Corporation Counsel—succeeding

Mr. Beckman—was appealed to. Here

is his opinion in full, over his own sig-

nature:

LAW DEPARTMENT.

Office of the Counsel to the Corporation,

William M. Clark, Esq., Chief Clerk Police De-

partment.

Sir: I have received a copy of the resolution

adopted by the Board of Police, as follows:

"Resolved, That the Counsel to the Corporation

be and is hereby requested to advise this Board

as to what action may be taken by it in order

to secure to the Police Department of the City of

New York the benefits of an electric telegraph

signaling system."

It appears by his communication that the fol-

lowing facts were before him:

I. That the final estimate adopted by the

Board of Estimate and Apportionment Dec. 29,

1888, an appropriation was made for the con-

struction of electrical signaling boxes, 100,000.

II. That the matter of procuring a system of

electrical signaling has been under consideration

by the Police Board, and an examination has been

made of the features and details of numerous

systems. That competitive contests have been

made before the Board with the working plans

submitted by several bidders.

III. That the system of the Herzog Telephon

Company was approved by the Board.

IV. The Board of Police therefore requested

me to advise as to the propriety of the Board

taking all steps necessary to procure such system.

V. That the several systems under examination

were patented.

The opinion referred to in this letter section 63

of the Consolidation act is as follows:

"Except for patents, no patented payment shall

be paid and no patented article shall be purchased

by the City of New York, except under

circumstances that there can be fair and

reasonable opportunity for competition, the con-

ditions in which shall be prescribed by the

Board of Estimate and Apportionment."

The Board was therefore advised that the con-

ditions and methods of competition between the

various systems should be prescribed by the Board

of Estimate and Apportionment, and that the con-

tract then proposed to be made, could not be

made until the selection made by the Board should

be received by the Board of Police.

The opinion of Mr. Beckman regarding the neces-

sity of conducting the competition between com-

peting systems, under conditions to secure fair

and reasonable opportunity for competition, which

shall be prescribed by the Board of Estimate and

Apportionment, although it permits the Board

of Estimate and Apportionment to select and ap-

prove a system of tests which it should deem ap-

propriate to the system, and that the method to

be pursued by the Board in order to procure

an electrical telegraph signaling system is that

indicated in the opinion referred to, as follows:

1. A competition must be adopted by the Board

of Estimate and Apportionment prescribing the

conditions of competition between the various

patented systems of electrical signaling.

2. A competition must be conducted under the

terms and conditions prescribed, and the Board of

Police must select from the competing systems

that which in their judgment is most suitable

for the service required.

The terms and conditions of a proposed con-

tract with the proprietors of the selected system

must be approved by the Council to the City.

WILLIAM M. CLARK.

quoting the same section and putting

the very opposite construction upon it.

Will he explain why it is that the law

department of this city has one law for

the signal system to prevent a contract

from being awarded to a successful com-

petitor, and another law for every other

patented or contracted? Will he say

why, under these very conditions, he

allows the city to drop behind every

other city in the country, that he insists

on policemen leaving their posts un-

covered while parading prisoners through

the streets, that he gives opportunities

for the commission of murders and all

sorts of crime? Will he explain even

where the point is made that he

might have a difficult matter to get

at the many opinions which Mr. Clark

has written in the past, but there is one

which any one who takes the trouble

can see for himself. It can be found in

the testimony taken before the Finance

Investigating Committee, and is num-

bered Exhibit A, page 2562.

It is on the same question concern-

ing the purchase of patented supplies

under the very section which in the

opinion above set forth, he says can

only be purchased after the Board of

Estimate and Apportionment has pro-

posed the purchase of the supplies. This

however, had been made by the First

Department, not the Police Department,

and his objection to the signal system

was at stake. Read this:

N. Y. HERALD, March 12, 1893.

Law Department.

The Honorable Thomas M. Clark, Comptroller.

Sir: I have received your letter of the 9th

inst., enclosing advertisements of the Fire De-

partment, and also a copy of the resolution

passed by the Board of Estimate and Ap-

portionment, in relation to the purchase of

supplies. I have also received a copy of the

provisions of section 62 of the Consolidation

act, which relate to the purchase of sup-

plies. I have also received a copy of the

Board of Estimate and Apportionment to

secure a fair and reasonable opportunity

for competition, the conditions in which

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why, under these very conditions, he

allows the city to drop behind every

necessary to us in view of the fact that

we have reason to fear that your con-

science has been or will be abused to

our detriment, as the conspirators who

have endeavored to blackmail us from the

beginning, and have from time to time

succeeded in obtaining the co-operation of

various city officials to that end, have

at the present moment an active agent

in your department in the person of one

of your own assistants."

How long will the city tolerate such

interference from Mr. Clark, or is it that

Mr. Clark is obeying the orders of

others?

Can he explain why he failed to inves-

tigate the charge put before him in writ-

ing before he wrote that famous signal

system opinion that there was a con-

spiracy to defeat justice, and that even

in his own office men were engaged in

that same conspiracy?

Did he ever reply to that charge except

to indulge in a few choice adjectives as

to what he would do with certain per-

sons if they ever dared cross the thresh-

old of his office?

Was a traitor on board?

Brazilian Cruiser America Re-

ported Disabled at Barbadoes.

One of Mello's Men May Have

Shipped in Her Crew.

A report has been received in this city

that through the work of a traitor in

her crew the Brazilian cruiser America,

which left this port Nov. 20, is lying dis-

abled at the port of Bridgetown, Bar-

badoes. The news of the vessel's mis-

hap was brought to Messrs. Flint & Co.

by a cable message yesterday, which

stated that a valve in the most vulnera-

ble part of the ship's machinery had been

purposely broken.

The dispatch also stated that the

Netherlands, which left St. Thomas with

the America Sunday night, would continue

the voyage alone. Netherlands towed Amer-

ica to Bridgetown, which is a day's sail

from St. Thomas. The accident, there-

fore, happened Monday. How long she

will be laid up is not known.

As far back as Nov. 11 "The Evening

World" published the fact that Mello's

agents here were endeavoring to have

men shipped on the America.